

CIVIL ACTION NO.
5:06-CV-2032-RRA

On January 4, 2008, the magistrate converted the motion to one for summary judgment and recommended that the motion be **GRANTED** and this case **DISMISSED**. The time for objections to same has now expired and no objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, the defendant's motion to dismiss, converted to a motion for summary judgment, is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

DONE this the 28th day of January, 2008.



VIRGINIA EMERSON HOPKINS
United States District Judge